

Sixth Appellate District

San Jose, California

MONDAY, NOVEMBER 28, 2005

H027893 PEOPLE v. CHATMAN

The judgment is affirmed. (not published)  
(Premo, Acting P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)  
Filed November 28, 2005

H027519 PEOPLE v. CROSS

The judgment is affirmed. (published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed November 28, 2005

TUESDAY, NOVEMBER 29, 2005

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and Jane Valdez Flor, Deputy Clerk.

Presiding Justice Rushing made the following statements in open court: "With the consent and agreement of my colleagues on the Sixth District Court of Appeal, this session of the court is convened in honor and memory of Superior Court Judge Kathleen Akao. She was taken in the fullness of her professional life; she was the first Asian-American and the first woman on the Santa Cruz Superior Court. She was the presiding judge of her court this year and she was beloved in the legal community and in her larger community. She will be missed."

H027448 PEOPLE v. AIROSO

Cause called and argued by George Schraer appearing for Appellant and by Catherine A. McBrien, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H027293 PEOPLE v. FORDJOUR

Cause called and argued by Paul Couenhoven appearing for Appellant and by Tom H. Elke, Certified Law Student, appearing with Linda Murphy, Deputy Attorney General, for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, November 29, 2005 (continued)

H027093 SAFECO INSURANCE COMPANY OF ILLINOIS v. ARCHITECTURAL  
FACADES UNLIMITED, INC., et al.

Cause called and argued by Steven N. Cole appearing for  
Appellant and by John Garcia appearing for Respondent Denvick  
Drywall and by Cara Smith appearing for respondent Michael De  
Leit. Cause ordered submitted.

H027200 SFERS REAL ESTATE CORP. v. IMPRESS 2000, INC.

Cause called and argued by Patrick K. Tillman appearing for  
Appellant and by Anthony P. Schoenberg appearing for Respondent.  
Cause ordered submitted.

Elia, J. leaves the bench and Duffy, J. takes the bench.

H028002 SOLARTE v. WASHINGTON MUTUAL BANK, et al.

Cause called and argued by Emelita Solarte appearing in  
propria persona and by Harvey Sohnen appearing for Respondents.  
Cause ordered submitted.

Court recesses until 1:30 p.m.

H027381 LOCKHEED MARTIN CORPORATION v. CONTINENTAL INSURANCE  
COMPANY, et al.

The order of the trial court dated March 1, 2004, is  
modified to read in full as follows: "Lockheed's motion to tax  
Continental's cost bill, heard and submitted for decision today,  
is granted in the amount of \$247.73 (Herfurth court reporter  
fees), \$771.00 (identified at page 2, footnote 1 of Continental's  
opposition filed February 17, 2004), and in the further amount of  
\$8,367.31 (Continental's trial site office rental costs), for a  
total of disallowed costs in the amount of \$9,386.04. "Except as  
indicated above, all challenges to Continental's cost bill are  
denied and the costs are allowed." As modified, the order is  
affirmed. Continental shall have its costs on appeal. (not  
published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed November 29, 2005

H028171 PEOPLE v. JOHNSON

The judgment is affirmed. (not published)  
(Duffy, J.; We concur: Premo, Acting P.J., Elia, J.)  
Filed November 29, 2005

Sixth Appellate District

San Jose, California

Tuesday, November 29, 2005 (continued)

H028742 PEOPLE v. MARTINEZ

The judgment is affirmed. (not published)  
(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)  
Filed November 29, 2005

H028317 In re SERENA C., et al.; DFCS v. CHARLES C., et al.

The orders appealed from are affirmed. (not published)  
(Rushing, P.J.; We concur: Premo, J., Bamattre-Manoukian, J.)  
Filed November 29, 2005

H027891 PEOPLE v. GAUWAIN

The order is affirmed. (not published)  
(Rushing, P.J.; We concur: Premo, J., Elia, J.)  
Filed November 29, 2005

H028336 PEOPLE v. AIRY

The judgment is affirmed. (not published)  
(Rushing, P.J.; We concur: Premo, J., Duffy, J.)  
Filed November 29, 2005

The Court reconvened at 1:30 p.m. in its courtroom at 333  
West Santa Clara Street, Suite 1060, San Jose, California.  
Present: Rushing, P.J.; Mihara, J.; and J. Michel, Deputy Clerk.

H028346 STEWART v. HARTNELL

Cause called. Counsel stipulate that McAdams, J. may listen  
to the tape of oral argument in lieu of his presence on the  
bench. Cause argued by James Matthew Wagstaffe appearing for  
Appellants and by Michelle A. Welsh appearing for Respondent.  
Submission deferred until Justice McAdams has listened to the  
taped proceedings. Court stands in adjournment.

WEDNESDAY, NOVEMBER 30, 2005

H027669 AUSTIN v. WISKEL, et al.

(Filed order modifying opinion.) This modification does not  
affect the judgment. The petition for rehearing is denied. (not  
published)  
(Mihara, J.; We concur: Premo, Acting P.J., McAdams, J.)  
Filed November 30, 2005

Sixth Appellate District

San Jose, California

Wednesday, November 30, 2005 (continued)

H027708 PEOPLE v. HUFFMAN

The judgment is affirmed. (not published)  
(Duffy, J.; We concur: Elia, Acting P.J., Bamattre-Manoukian, J.)  
Filed November 30, 2005

The following case is submitted this date:

H028153 RAMSAY HIGHLANDER, INC. v. FRESH EXPRESS, INC., et al.

THURSDAY, DECEMBER 1, 2005

The following cases are submitted this date:

H029041 D.F.C.S v. ANNETTE E.

H028851 PEOPLE v. FERNANDO R.

H028581 PEOPLE v. DANIEL

H028797 PEOPLE v. JOHNSON

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Duffy, J.; and J. Michel, Deputy Clerk.

H028599 PEOPLE v. ROMAYOR

Cause called and argued by Jean F. Matulis appearing for Appellant and by Violet Lee, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H027805 PEOPLE v. FISHER

Cause called and argued by Stacey Saetta appearing for Appellant and by Ryan B. McCarroll, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Duffy, J. leaves the bench and Bamattre-Manoukian, J. takes the bench.

H028305 PEOPLE v. CAMPOS-CHICAS

Cause called and argued by Jeremy D. Blank appearing for Appellant and by Sara Elizabeth Turner, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Rushing, P.J. and Premo, J. leave the bench and Elia, Acting P.J. and Duffy, J. take the bench.

Sixth Appellate District

San Jose, California

Thursday, December 1, 2005 (continued)

H028731 PEOPLE v. CUELLAR

Cause called and argued by William Robinson appearing for Appellant and by Michael E. Banister, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H028705 In re PHILLIP N.; MONTEREY COUNTY DSS v. NANCY W.

Cause called and argued by Catherine F. Campbell appearing for Appellant and by William K. Rentz, Deputy County Counsel, appearing for Respondent. Cause ordered submitted.

Elia, Acting P.J., Bamattre-Manoukian, J., and Duffy, J. leave the bench. Rushing, P.J. and Mihara, J. take the bench.

H028255 In re JUSTIN S.; DFCS v. DEZIREE Q.

Cause called. Appellant and counsel stipulate that McAdams, J. may listen to the tape of oral argument in lieu of his presence on the bench. Cause argued by Appellant Deziree Quinones appearing in propria persona. Robert J. Masterson, Deputy District Attorney, appearing for Respondent minor and Teri L. Robinson, Deputy County Counsel, appearing for Respondent waive oral argument and stipulate to submit the matter on the briefs. Submission deferred until Justice McAdams has listened to the taped proceedings. Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Elia, Acting P.J.; Mihara, J.; McAdams, J.; and W. Magsaysay, Deputy Clerk.

H027648 PEOPLE v. JOHNSON

Cause called and argued by David Y. Stanley appearing for Appellant and by Jeffrey M. Bryant, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H028304 GLEN RAFT , as Trustee, etc. v. CALIFORNIA FEDERAL BANK

Cause called and argued by Sean Raft appearing for Appellant and by Barry Hovis appearing for Respondent. Cause ordered submitted.

H028008 WAKEFIELD v. BOHLIN, et al.

H028310 WAKEFIELD v. BOHLIN, et al

Cause called and argued by Jeffrey P. Widman appearing for Appellant and by Mark G. Bonino appearing for Respondents. Cause ordered submitted. Court adjourns.

Sixth Appellate District

San Jose, California

Thursday, December 1, 2005 (continued)

H027495 PEOPLE v. LANGHORNE

The judgment is affirmed. (not published)  
(Elia, Acting P.J.; We concur: Mihara, J., McAdams, J.)  
Filed December 1, 2005

H028472 PEOPLE v. RANGER INSURANCE CO.

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, J.; We concur: Rushing, P.J., Premo, J.)  
Filed December 1, 2005

H027886 PEOPLE v. SMITH

(Filed order modifying opinion.) The petition for rehearing is denied. This modification does not effect a change in the judgment. (not published)  
(Bamattre-Manoukian, J.; Rushing, P.J.; Premo, J.)  
Filed December 1, 2005

H026381 PEOPLE v. GENTRY, et al.

The judgment as to Gentry is ordered modified to reflect modification of the relevant probation condition to read as follows: "The defendant will not possess or consume alcohol or illegal drugs or knowingly go to places where illegal drugs are used or sold or alcohol is the chief item of sale." As so modified, the judgment as to Gentry is affirmed.

The judgment as to Johnson is affirmed. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)  
Filed December 1, 2005

FRIDAY, DECEMBER 2, 2005

The following cases are submitted this date:

H028255 D.F.C.S. v. DEZIREE Q.

H027242 PEOPLE v. BEESON

H027415 STEWART v. HARTNELL COMMUNITY COLLEGE DISTRICT, et al.

H028346 STEWART v. HARTNELL COMMUNITY COLLEGE DISTRICT, et al.

H028066 PEOPLE v. COLIN

H028563 PEOPLE v. JUSTIN B.

H028553 PEOPLE v. SOLORIO